

REMARKS

Claims 1, 3-8, 10-17, 19-22, 26-53 and 55-60 are pending. Claims 2, 9, 18, 23-25, 54 and 61-67 are currently canceled. Claims 36 to 52 have been withdrawn from consideration. Claims 1, 6, 14 and 16 are currently amended. Reconsideration of the application is requested.

§ 112 Rejections

Claims 1, 3-8, 10-17, 19-22, 26-53 and 55-60 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In claims 1,22 and 53 the patent office views the terms “structured” and “non-structured” as unclear which renders the claims vague and indefinite. Applicant respectfully submits that not only are the terms understood by one of reasonable skill in the art, they are also defined in the specification. On page 1 line 26 of the specification states: “a surface of a structured layer having a surface topography” and on page 5 lines 22-23 of the specification states: “Surfaces referred to herein as non-structured do not possess a structured topography.” Therefore the terms structured, referring to a surface with a structured topography and non-structured referring to a surface which does not possess a structured topography are clear. Applicant also points out that Claim 1 has been amended to replace the term “unstructured” with the term “non-structured” for clarity.

In claim 1 the patent office views the limitation “the adhesive layer” as lacking antecedent basis as there is only antecedent basis for “at least one adhesive layer”. Without agreeing that this rejection is proper, Applicant submits that the amendment to Claim 1 replacing “at least one adhesive layer” with “an adhesive layer” renders this rejection moot.

In claim 1 the patent office views the limitation “exposed adhesive surface” as unclear rendering the claim vague and indefinite because it is unclear whether this “adhesive surface” is part of the “at least one adhesive layer” or if the Applicant is claiming another adhesive layer. Applicant submits that the limitation “a non-structured exposed adhesive surface” is a newly recited element to the claim and as such may refer to “an adhesive layer” or may be a separate adhesive layer.

In claim 1 the patent office views the limitation “exposed adhesive surface” as lacking antecedent basis. Applicant submits that the limitation “a non-structured exposed adhesive surface” is a newly recited element to the claim and therefore requires no antecedent basis.

In claim 6 the patent office views the limitation “the adhesive layer” as lacking antecedent basis. Applicant submits that the amendment to claim 6 removing the term “the adhesive layer” renders this rejection moot.

The patent office views claim 6 as vague and indefinite. Applicant submits that the amendment to claim 6 renders this rejection moot.

The patent office views claims 20 and 21 as unclear and therefore vague and indefinite. The rejection states that since the second major surface of the at least one adhesive layer further comprises a backing layer how can there be an exposed adhesive surface. Applicant refers to the discussion above regarding claim 1 where it was pointed out that the “exposed adhesive surface” need not refer to the “an adhesive layer” since it is a separately listed claim element.

In summary, Applicant submits that the rejection of claims 1, 3-8, 10-17, 19-22, 26-53 and 55-60 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

§ 102 Rejections

Claims 1, 3, 4, 6-8, 11-13, 15, 17, 19-22, 26 and 27 stand rejected under 35 USC § 102(b) as being anticipated by Hauser et al. (US Patent No. 3,179,552).

Hauser teaches an adhesive article with a backing, reinforcing nonwoven filaments present as a monolayer of longitudinal lineally-aligned yarns buried between the backing film and the pressure sensitive adhesive layer. The adhesive coating layer makes intimate adherent contact with the filament yarns. The lineally-aligned continuous-filament reinforcing yarns are partially embedded and autogenously anchored in the backing. The pressure sensitive adhesive coating is applied thereon, in which the yarns are partially embedded so as to be completely encased and sealed by the backing film and the adhesive. Therefore Hauser does not teach an article with an adhesive layer with a structured surface and a backing laminated to the structured surface wherein the article comprises discrete reservoirs between the structured surface of the adhesive layer and the

backing. Referring to figure 2 of Hauser, the rejection seems to imply that number 7 of the figure is a discrete reservoir, but it a longitudinal continuous-filament reinforcing yarn and not a reservoir.

The rejection of claims 1, 3, 4, 6-8, 11-13, 15, 17, 19-22, 26 and 27 under 35 USC § 102(b) as being anticipated by Hauser et al. (US Patent No. 3,179,552) has been overcome and should be withdrawn.

Claims 1, 3, 4-8, 11-17, 19-22 and 26-35 stand rejected under 35 USC § 102(b) as being anticipated by Hidaka et al. (US Patent No. 4,801,458).

Hidaka teaches an adhesive article with fibers and voids around the fibers within the adhesive layer. Referring to the figure, even if numbers 3 and 4 (the fibers and the void surrounding them) could be considered a structured surface, the backing (number 1) is not laminated to the structured surface(s) of the adhesive and therefore does not form discrete reservoirs between the structured surface of the adhesive layer and backing.

The rejection of claims 1, 3, 4, 6-8, 11-13, 15, 17, 19-22, 26 and 27 under 35 USC § 102(b) as being anticipated by Hidaka et al. (US Patent No. 4,801,458) has been overcome and should be withdrawn.

Claims 53 and 55 stand rejected under 35 USC § 102(b) as being anticipated by Hamilton et al. (US Patent No. 5,662,758).

Hamilton teaches "A flexible film has thermoformed protrusions between a grid of pressure sensitive adhesive." Even if the thermoformed flexible film could be considered a structured surface, there is no teaching in Hamilton of a cap layer laminated to a structured surface of the first layer, wherein the cap layer comprises an adhesive. As shown for example in figure 3 of Hamilton, the adhesive 16 is spaced away from target surface 20 by outermost ends of 18 of protrusions 14. Again in figure 9 of Hamilton which shows the preparation of the flexible film having thermoformed protrusions, it shows that there is no cap layer laminated to a structured surface of the first layer wherein the cap layer comprises an adhesive.

The rejection of claims 53 and 55 under 35 USC § 102(b) as being anticipated by Hamilton et al. (US Patent No. 5,662,758) has been overcome and should be withdrawn.

§ 103 Rejections

Claims 11 and 56-60 stand rejected under 35 USC § 103(a) as being unpatentable over Hidaka et al. (US Patent No. 4,801,458).

It is believed that the examiner meant to reject claims 10 and 56-60 and not claims 11 and 56-60.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

As stated above Hidaka fails to teach an article with an adhesive layer that has a structured surface and a backing laminated to the structured surface wherein the article comprises discrete reservoirs between the structured surface of the adhesive layer and the backing. The rejection supplies no reference to overcome this failure.

The rejection of claims 11 and 56-60 under 35 USC § 103(a) as being unpatentable over Hidaka et al. (US Patent No. 4,801,458), has been overcome and should be withdrawn.

Fees

- Any required fee will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.17 which may be required to Deposit Account No. 13-3723.
- Please charge any fees under 37 CFR §§ 1.16 and 1.17 which may be required to Deposit Account No. 13-3723. (One copy of this sheet marked duplicate is enclosed.)
- Please charge any additional fees associated with the prosecution of this application to Deposit Account No. 13-3723. This authorization includes the fee for any necessary extension of time under 37 CFR § 1.136(a). To the extent any such extension should become necessary, it is hereby requested.
- Please credit any overpayment to the same deposit account.

In view of the above, it is submitted that the application is in condition for allowance.
Reconsideration of the application is requested.

Respectfully submitted,

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Date

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